

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER FOR APPOINTMENT OF</b>
	)	<b>COUNSEL</b>
vs.	)	
	)	
Rodney Goodwin,	)	
	)	Case No. 1:11-cr-038
Defendant.	)	

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Defendant was convicted by a jury of the offense of attempted transportation of a minor with intent to engage in criminal activity on February 9, 2012, and subsequently sentenced to a term of imprisonment of 121 months. His conviction and sentence were ultimately affirmed by the Eighth Circuit.

Recently, the court was informally advised by the Federal Public Defender's Office of defendant's intent on petitioning the court for habeas corpus relief pursuant to 42 U.S.C. § 2255 and need for counsel's assistance.<sup>1</sup>

There is neither a constitutional nor statutory right to counsel in habeas proceedings. See Morris v. Dormire, 217 F.3d 556, 558-559 (8<sup>th</sup> Cir. 2000); Blair v. Armontrout, 916 F.2d 1310, 1332 (8<sup>th</sup> Cir. 1990); see also Boyd v. Goose, 4 F.3d 669, 771 (8th Cir. 1993) ( explaining that a habeas corpus proceeding is a civil proceeding to which the Sixth Amendment right to counsel afforded for criminal proceedings does not apply). The court may nevertheless appoint counsel for a habeas petitioner at any time if it finds that the "the interests of justice so require." See 18 U.S.C. §

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<sup>1</sup>The Federal Public Defender's office advised it has been working with defendant to prepare a motion for relief pursuant to 42 U.S.C. § 2255 but is no longer able to provide him with assistance. No such motion has been filed to date.

3006A(a)(2).

The court in its discretion concludes that defendant financially qualifies for court-appointed counsel and that the appointment of counsel is justified given the unique circumstances that exist in this case. Accordingly, the court shall appoint attorney James Cailao to assist defendant in his efforts to obtain relief pursuant 42 U.S.C. § 2255.

**IT IS SO ORDERED.**

Dated this 21st day of July, 2014.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court